

### **REMARKS/ARGUMENTS**

The office action of August 7, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-51 remain in this application. By this amendment, claim 1 has been cancelled without prejudice or disclaimer, claims 2, 5-7, 9, 14, 16, 18, 24 and 36-38 have been amended, and new claims 52-55 have been added.

Claims 1-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5, 991,737 to Chen (Chen). Claim 1 has been cancelled in favor of claim 2 rewritten in independent form and further amended to more claim aspects of Applicants' invention. Applicants respectfully traverse these rejections.

The present invention provides a method, system, and mobile terminal for user participation in call-in broadcast programs, which, in disclosed embodiments, can result in two-way wireless communication between the mobile terminal and a device associated with a broadcast program. From the user's perspective, according to embodiments of the invention, the user can simply input into the mobile terminal a request for a two-way wireless connection with the broadcast program, and if the request is accepted, end up with the requested two-way connection.

For example, Fig. 1 of the present application shows a mobile terminal 125 in two-way wireless communication with wireless communications network 107, which is shown in two-way communication with call server 101, which is shown in two-way communication with call-in program studio 111. According to an illustrative method shown in Fig. 2, an audience member receiving a broadcast call-in show can decide to call-in to the show (step 205) and therefore gives a "contact studio" command (step 207). In response, the user's mobile device sends a request for a connection to a call server (step 208), which dispatches a request to the show (step 209). If the request is accepted (step 215), a connection is established between the audience member and the show (step 217).

Conversely, Chen discloses a system and method for ordering products related to a broadcast radio or TV program through a process station, which does not include a connection

between a consumer and a media facilitator (e.g., a radio station) beyond reception of non-interactive broadcast media by the consumer, and which does not include two-way or an interactive connection between a consumer and the media facilitator. As shown in Fig. 1 and discussed at col. 4, lines 9-29 of Chen, order data is sent from consumer 24 via consumer transmitter 18 to processing station 22. Processing station 22 can send feedback or an acknowledgment to consumer 24. Thus, Chen teaches communication between the processing station 22 and the consumer. However, Chen does not disclose or suggest any connection between the media facilitator 14 (e.g., "television stations, radio stations, and billboards," col. 3, lines 12-13) and the consumer 24 beyond non-interactive broadcast transmissions, nor does it disclose or suggest transmission of any requests for a connection between a consumer and the media facilitator.

Further, Chen does not teach or suggest sending messages to the media facilitator 14 from the processing station 22, much less sending any requests to establish a connection between the media facilitator and the consumer. Instead, as shown in Fig. 1 and discussed at col. 4, lines 24-29, Chen teaches sending orders for products or information from the processing station 22 to the consumer 24 or to the media content originator 12 that sends the product or information. Also, Chen does not disclose or suggest acceptance by media facilitator 14 of any requests for communication between media facilitator 14 and consumer 24.

In contrast, independent claims 2, as amended, recites in part a call server that includes computer readable instructions for performing steps comprising receiving from a mobile device a first request to establish a two-way connection between a broadcast program and the mobile device, sending a second request to establish a two-way connection between the broadcast program and the mobile device, and when a connection response from a device associated with the broadcast program accepts the request, establishing a two-way wireless connection between the mobile device and the device associated with the broadcast program. Independent claim 9, as amended, recites in part a method for establishing a two-way wireless connection that comprises the step of a mobile device sending to a call server a request to contact a second party associated with a broadcast signal, and the mobile device joining a two-way wireless connection to the second party established by a call server.

Independent claim 16 as amended recites in part a mobile device comprising memory storing computer readable instruction to perform steps comprising sending a request to establish a two-way connection between a device associated with the broadcast program and the mobile device, and when the request is accepted, establishing the two-way connection with the device associated with the broadcast program. Independent claim 24 as amended recites in part a computer readable medium storing computer readable instructions for performing steps that comprise establishing a two-way connection with a device associated with the broadcast program when a request is accepted.

Independent claim 33 recites in part a method for establishing a voice connection between a user of a mobile terminal and a device associated with a broadcast radio program comprising the steps of transmitting a request to establish a voice connection with a device associated with the broadcast radio program, receiving from a call server an indication as to whether the request has been accepted, and in response to reception of the indication of acceptance, establishing a voice connection with the device associated with the broadcast radio program. Independent claim 45 recites in part a method for establishing a connection between an audience member and a host of a broadcast program comprising the steps of receiving a connection request, and when the connection request is accepted, establishing an interactive connection between a device associated with the host and the mobile terminal.

Chen does not disclose or suggest the present invention as recited in independent claims 2, 9, 16 and 24 as amended, or independent claims 33 and 45, and as discussed above. Accordingly, Applicants respectfully submit that independent claims 2, 9, 16, 24, 33 and 45 are patentable over Chen. Further, Applicants respectfully submit that dependent claims 2-8, 10-15, 17-23, 25-32, 34-44 and 46-51 are patentable over Chen, at least because they each ultimately depend from one of independent claims 2, 9, 16, 24, 33 or 45, and further in view of novel features recited therein. For at least the same reason, Applicants respectfully submit that new claims 52-56, which each ultimately depend from one of independent claims 2, 9, 16, 24, 33 or 45, are patentable over Chen and further in view of novel features recited therein.

In addition to the reasons discussed above, Applicants respectfully submit that dependent claim 6 is further patentable over Chen because Chen does not disclose or suggest features

related to a defined delay time in a connection response from the device associate with the broadcast program. In particular, claim 6 recites the call server of claim 2, "wherein, in step (iv), the connection response [from the device associated with the broadcast program] comprises a defined delay time, and wherein the computer readable instructions further comprise the step of waiting for the defined delay time before performing step (v)." As discussed in the specification in paragraph 26 of the present application, [t]he call may be initiated immediately or at a predefined or otherwise given time." The Office Action suggests that the connection response inherently includes a delay time, and that a delay time is inherent in waiting to perform the step of establishing a connection. However, a defined delay time as recited in claim 6 and discussed in the specification is not inherent.

As discussed above, Chen does not disclose or suggest establishing a two-way wireless connection between the mobile device and the device associated with the broadcast program as recited in base claim 2. Further, Chen does not disclose or suggest a defined delay time or the step of waiting a defined delay time before establishing a two-way wireless connection as recited in claim 6. For this additional reason, Applicants respectfully submit that claim 6 is patentable over Chen. Also, Applicants respectfully submit that new claim 54, which depends from claim 6, is also patentable over Chen for the same reasons as claim 6 and further in view of novel features recited therein.

In addition to the reasons discussed above, dependent claims 14, 22 and 30 are patentable over Chen, at least because Chen does not disclose or suggest features related to a mobile device receiving user input as a verbal command. At col. 4, lines 63-66, Chen discloses voice recognition at a processing station. However, Chen does not disclose or suggest receiving user input as a verbal command to a mobile device as recited in claims 14, 22 and 30. Thus, for this additional reason, Applicants respectfully submit that claims 14, 22 and 30 are patentable over Chen.

In addition to the reasons discussed above, dependent claims 37, 40, 43 and 49 are patentable over Chen, at least because Chen does not disclose or suggest features related to requests for a two-way connection between a broadcast program and a mobile device, which includes additional information that comprises a summary of an intended discussion topic. The

Office Action points to col. 5, lines 1-15 for this teaching in Chen. However, a summary of an intended discussion topic is not disclosed or suggested in this section of Chen or the remainder of Chen. Thus, for this additional reason, Applicants respectfully submit that claims 37, 40, 43 and 49 are patentable over Chen.

In addition to the reasons discussed above, dependent claims 38, 41, 44 and 50 are patentable over Chen, at least because Chen does not disclose or suggest features related to requests for a two-way connection between a broadcast program and a mobile device, which includes additional information that comprises location information corresponding to the mobile terminal. At col. 5, line 4, Chen teaches entry of broadcast information into a web page that includes the city in which a broadcast station is located. However, Chen does not disclose or suggest requests for a two-way connection between a broadcast program and a mobile device that includes additional information that comprises location information corresponding to the mobile terminal as recited in these claims. Thus, for this additional reason, Applicants respectfully submit that claims 38, 41, 44 and 50 are patentable over Chen.


All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3244.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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